

REMARKS

Claims 1-13 have been examined in the present application. The Abstract and disclosure have been objected to. Claims 1-6 and 10 have been rejected under 35 U.S.C. §103(a) over Salvati (U.S. Patent No. 5,373,317) in view of Green (U.S. Patent No. 5,928,137). Claims 7-9 and 11-12 have been rejected under §103 over Salvati and Green further in view of Long et al. (U.S. Patent Application Publication 2003-0176880). Claim 13 has been rejected under §103 over Salvati, Green and Long further in view of Yarush (U.S. Patent No. 6,554,765) The Abstract and Specification have been amended hereby. Claim 14 has been added hereby. In light of the above amendments and below remarks reconsideration of the present application is respectfully requested.

In paragraph 3 of the Office Action, the Abstract of the disclosure has been objected to. Applicant submits herewith an amended Abstract in compliance with §608.01(b) of the MPEP. Withdrawal of the objection to the Abstract is therefore respectfully requested.

In paragraph 4 of the Office Action, the Specification has been objected to because of a typographical error on page 7, line 10. As indicated above, this typographical error has been corrected. No new matter has been added hereby. Withdrawal of the objection to the specification is therefore respectfully requested.

In paragraph 6 of the Office Action, claims 1-6 and 10 have been rejected under §103 over Salvati in view of Green. Applicant respectfully traverses this rejection since, even if combined, the resultant combination does not read on the present invention as recited in independent claim 1.

Claim 1, from which claims 2-6 and 10 depend, requires a “treatment instrument channel” with a proximal open end “located on the grip portion.” The Office Action admits that Salvati does not disclose this limitation. In order to supply this limitation missing from

Salvati, the Office Action turns to Green. Specifically, the Office Action states that Green teaches that the proximal open end of its instrument channel is located on the grip portion disclosed in Green. The Office Action cited to Figure 8 and column 3, lines 18-28 of Green for this feature. Applicant respectfully disagrees that Green teaches locating the proximal open end of the instrument channel on its grip portion.

At the cited portion of Green, it teaches a “hand control means” that is affixed to a body piece and is connected to an instrument actuation means. The actuation means of Green is inserted through a channel in the body piece. The hand operated control means referred to in the cited portion of Green is further described with respect to element 185 in Figure 6 and at column 8, lines 33-35. The cited hand operated control means also corresponds to element 185 element 275 in Figure 8. As disclosed in connection with Figure 8 at column 9, lines 21-35, the hand operated control means 275 and the shaft of its connected instrument are inserted in a bore 255 within the insertion tube 190. But, what is clear from cited Figure 8 in Green is that the open end of bore 255 in the insertion tube 190 is **not** located on the hand operated control means 275 as asserted in the Office Action. Rather, the proximal end of the bore 255 is merely at the end of the insertion tube 190. It is not in the grip portion 275.

As Green does not in any way teach locating the proximal end of the instrument channel on the grip portion, Applicant respectfully disagrees with the Office Action that it would be obvious to incorporate the “instrument channel with a proximal end located on the grip portion as taught by Green” into the endoscope apparatus as taught by Salvati. Even if these two references were combined, the resultant combination would not read on the present invention as recited in independent claim 1.

Withdrawal of the rejection of independent claim 1 and its dependent claims 2-6 and 10 on the basis of the combination of Salvati and Green is therefore respectfully requested.

Withdrawal of the rejection of independent claim 1 and its dependent claims 2-6 and 10 on the basis of the combination of Salvati and Green is therefore respectfully requested.

In paragraph 6 of the Office Action, claim 7-9 and 11-12 have been rejected under §103 over Salvati in view of Green and further in view of Long. Each of claims 7-9 and 11-12 depend from independent claim 1. As described above, the combination of Salvati and Green do not teach or suggest the invention as recited in independent claim 1 that requires that the open proximate end of the instrument channel is located on the grip portion. Long does not cure this deficiency in the combination of Salvati and Green. Accordingly, even if Salvati, Green and Long were combined, the resultant combination would not read on any of claims 7-9 and 11-12 as the combination would not include this feature of independent claim 1 as described above. Withdrawal of the rejection of dependent claims 7-9 and 11-12 is therefore respectfully requested.

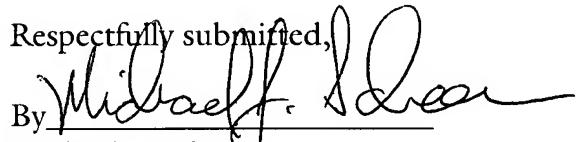
Claim 13 has been rejected under §103 over Salvati, Green and Long further in view of Yarush. As described above with respect to claims 7-9 and 11-12, the combination of Salvati, Green and Long does not read on any of the claims of the present invention as the combination does not disclose the proximal end of the instrument channel being located on the grip portion. Yarush fails to cure this deficiency. Accordingly, claim 13 is patentable over this combination. Withdrawal of the rejection of claim 13 is therefore respectfully requested.

Claim 14 has been added hereby to more fully claim the present invention. Claim 14 includes features of claims 1, 2, 5, 7 and 9. No new issues are raised by the addition of this claim and no new search is required.

Applicant has shown that all of the claims of the present application are patentable over the combination of Salvati and Green, Salvati, Green and Long, and Salvati, Green, Long and Yarush. Each of the claims of the present application are currently in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

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